IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 514 (MS) OF 2006

1. Sandeep, S/o Yashpal Singh,
2. Anuj, S/o Yashpal Singh,

Both, S/o Yashpal Singh,

Both R/o Gram Kalyanpur @ Narsan Kala Pargana Manglore, Tehsil Roorkee, District-Haridwar.

.....Petitioners.

Versus

1. Civil Judge (J.D.), Roorkee.
2. Smt. Sukhda Devi, Widow of Satyapal Singh, R/o Kalyanpur @ Narsan Kala Pargana Mangloor Tehsil Roorkee, District-Haridwar. .....Respondents.

Dated: 06.05.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Nagesh Agarwal, Advocate for the petitioner and learned Standing Counsel for the respondent no. 1.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents to decide the application dated 24.04.2006 filed by the petitioner U/s 151 C.P.C. along with the interim injunction application forthwith on merits with no further delay and till then to restrain the respondents to interfere in the peaceful possession of the petitioners over the suit property.

Briefly stated, a suit was filed by the petitioner being Suit No. 46 of 2006 for the cancellation of the sale deed dated 25.1.2006 executed by the respondent no. 2 in favour of the respondents no. 3 to 5 and further seeking a decree of mandatory injunction so as to restrain the respondents no. 2

to 5 to interfere in the peaceful possession of the petitioner-plaintiff. The petitioner has also moved an application under Order 39 Rule 1 & 2 C.P.C. seeking ad interim injunction also.

The petitioner has confined his prayer for expeditious disposal of the application filed under Section 151 of the C.P.C.

However, without going into the merit of the controversy, the Civil Judge (J.D.), Roorkee is directed to dispose of the application filed by the petitioner under Section 151 C.P.C. within a period of two months form the date of presentation of the certified copy of the order.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

06.05.2006
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